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6 Attorneys for **Linda Livolsi**

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 LINDA LIVOLSI,
14 Defendant.

2:10-cr-578-PMP-GWF

STIPULATION TO CONTINUE
ARRAIGNMENT AND
PLEA HEARING
DATE

(First Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the United
18 States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant
19 Federal Public Defender, counsel for LINDA LIVOLSI, that the arraignment and plea hearing
20 currently set for Wednesday, March 26, 2014 at the hour of 3:00 p.m., be vacated and set to Friday,
21 March 28, 2014.

22 This Stipulation is entered into for the following reasons:

23 1. That defendant Livolsi lives out of state and has a scheduled evidentiary hearing
24 before the Honorable George W. Foley, Jr., on March 28, 2014 at 10:30 a.m. In the interest of
25 economy, the defendant would request her current arraignment plea hearing set before the Honorable
26 Nancy J. Koppe for Wednesday, March 26, 2013 at the hour of 3:00 p.m., be reset for Friday, March
27 28, 2014 at a time to be specified by this court.

28 2. The defendant is not incarcerated and does not object to the continuance.

1 3. The parties agree to the continuance.

2 4. The additional time requested herein is not sought for purposes of delay, but merely
3 to allow for a resetting to accommodate the defendant's travel out of state.

4 5. The additional time requested by this Stipulation is excludable in computing the time
5 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
6 States Code, Section 3161(h)(1)(A) and Title 18, United States Code, Section 3161(h)(7)(A),
7 considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

8 6. This is the first request to continue the arraignment and plea hearing filed herein.

9 DATED this 21st day of March, 2014.

10 RENE L. VALLADARES
11 Federal Public Defender

12 /s/ Monique Kirtley

13 By: _____
14 MONIQUE KIRTLEY
15 Assistant Federal Public Defender
16 Counsel for Linda Livolsi

17 DANIEL G. BOGDEN
18 United States Attorney

19 /s/ J. Gregory Damm

20 By: _____
21 J. GREGORY DAMM
22 Assistant United States Attorney
23 Counsel for Plaintiff
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDA LIVOLSI,

Defendant.

2:10-cr-578-PMP-GWF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACTS

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That defendant Livolsi lives out of state and has a scheduled evidentiary hearing before the Honorable George W. Foley, Jr., on March 28, 2014 at 10:30 a.m. In the interest of economy, the defendant would request her current arraignment plea hearing set before this court for Wednesday, March 26, 2013 at the hour of 3:00 p.m., be reset for Friday, March 28, 2014 at a time to be specified by this court.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow for a resetting to accommodate the defendant's travel out of state.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A) and Title 18, United States Code, Section 3161(h)(7)(A), considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6. This is the first request to continue the arraignment and plea hearing filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the arraignment and plea hearing date.

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CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(1)(A) and Title 18 United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the arraignment and plea hearing currently set for Wednesday, March 26, 2014 at the hour of 3:00 p.m., be vacated and continued to _____ m., at the hour of _____ .m., in courtroom _____

DATED this _____ day of March, 2014.

UNITED STATES MAGISTRATE JUDGE